

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO ALL  
ACTIONS.

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for leave to file Plaintiffs' Memorandum in Support of Their Motion To Compel Third-Party AmeriSource Bergen Corporation To Produce Deponent(s) Pursuant To Fed. R. Civ. P. 30(b)(6) and Fed. R. Civ. P. 45 under seal.

1. Pursuant to Paragraph 14 of the Protective Order (Dec. 13, 2002), the parties may designate documents "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL."

2. Exhibits 2 and 16 are deposition testimony designated as HIGHLY CONFIDENTIAL. Plaintiffs' Memorandum cites testimony likewise designated as HIGHLY CONFIDENTIAL.

WHEREFORE plaintiffs respectfully request that this Court grant them leave to file the pleading herein, under seal, and all other relief that this Court deems just and proper.

Dated: January 18, 2006

Respectfully submitted,

By: /s/ Jennifer Fountain Connolly

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**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456 (D. Mass.)

I, Jennifer Fountain Connolly, hereby certify that I am one of plaintiffs' attorneys and that, on January 18, 2006, I caused copies of *Plaintiffs' Motion for Leave to File Under Seal* to be served on:

Meredith Myers LeConey  
Buchanan Ingersoll PC  
1835 Market Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19103

by facsimile (w/out exhibits) and Federal Express; and on counsel of record by LexisNexis File & Serve.

/s/ Jennifer Fountain Connolly  
Jennifer Fountain Connolly